

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL MEMORANDUM**

**SB 1715 – HB 1892**

May 11, 2009

**SUMMARY OF AMENDMENT (008102):** Deletes all language after the enacting clause. Creates the Judicial Nominating Commission and the Judicial Performance Evaluation Commission to replace the Judicial Selection Commission and the Judicial Evaluation Commission. The newly created Commissions shall terminate on June 30, 2014. The Speaker of the Senate and the Speaker of the House of Representatives shall each appoint three lawyer members, one from each of the three grand divisions. The Speakers shall jointly appoint three non-lawyer members with one member to be appointed from each grand division. Effective July 1, 2009, the membership of the Judicial Selection Commission shall be replaced pursuant to this act. The initial terms of the new members will be staggered with two of the Senate Speaker's appointments and one of the House Speaker's appointments having a term of two years; two of the House Speaker's appointments and one of the Senate Speaker's appointments having a term of four years; and the three joint appointments having an initial term of six years. Requires the Administrative Office of the Courts (AOC), within 10 days of the effective date of this act, to post on its Web site an application form for citizens who wish to be considered as judicial nominating commission appointees, to establish a deadline for applications, to post a summary of the applicants, and to receive public comments for a 15-day period after the application deadline. Within 30 days of the posting of the summary of applicants, requires the Speakers to make the initial appointments. Requires each member to be a United States citizen, at least 30 years of age, and a citizen of Tennessee for at least five years prior to appointment. Requires any member appointed from one of the grand divisions to have been a resident of that grand division for at least one year immediately prior to appointment.

No member of the Commission can be a registered lobbyist in Tennessee. Automatically vacates the office of any member of the Commission who misses four meetings during the member's term of office. Requires the Commission to conduct its deliberations in public after the private interviews with judicial vacancy candidates have been concluded. Authorizes the Tennessee Bureau of Investigation (TBI) to perform a Level II security clearance on possible nominees at the direction of the Governor. Requires the Governor, to fill a vacancy that occurs in the office of an appellate court after July 1, 2009, within 60 days by appointing one of the six nominees certified by the Commission. Requires the Governor after receiving the Commission's



nominees for vacancies, to direct the TBI or other appropriate agencies to perform financial and criminal background investigations of the nominees. Reduces from 12 to nine, the membership of the Judicial Performance Evaluation Commission. Reduces from 17 to nine, the membership of the Judicial Nominating Commission.

**FISCAL IMPACT OF ORIGINAL BILL:**

MINIMAL

A more precise cost estimate is not possible because the Administrative Office of the Courts has not provided any information to assist in the preparation of this fiscal note.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**


**Decrease State Expenditures - \$40,400**

Assumptions applied to amendment:

- According to the AOC, the costs associated with the Judicial Evaluation Commission for 2007 were \$148,898.92 and \$50,039.39 for 2008 resulting in a two-year average of \$99,469.16. The two-year average per member cost is \$8,289.10 ( $\$99,469.16 / 12 = \$8,289.10$ ). Reducing the membership from 12 to nine members will result in an average decrease in state expenditures of \$24,867.30 ( $\$8,289.10 \times 3$  members).
- According to the AOC, the costs associated with the Judicial Selection Commission for 2007 were \$20,803.88 and \$45,094.08 for 2008 resulting in a two-year average of \$32,948.98. The two-year average per member cost is \$1,938.18 ( $\$32,948.98 / 17 = \$1,938.18$ ). Reducing the membership from 17 to nine members will result in an average decrease in state expenditures of \$15,505.44 ( $\$1,938.18 \times 8$  members).
- Total decrease in state expenditures is \$40,372.74 ( $\$24,867.30 + \$15,505.44$ ).

**CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.





James W. White, Executive Director

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